

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

UNITED STATES OF AMERICA,)	
)	
v.)	Case No. 3:12CR170
)	
MICHAEL F. HARRIS,)	
)	
Defendant.)	

ORDER

**(Disposing of Motions in Limine and Objections to Government's Amended Notice
of Intent to Introduce Evidence under FRE 404(b))**

THIS MATTER is before the Court on Defendant's Motion in Limine (ECF No. 40), filed on February 19, 2013; the Government's Motion in Limine (ECF No. 45), filed on February 20, 2013; and Defendant's Response to the Government's Amended Notice of Intent to Introduce Evidence under FRE 404(b) (ECF No. 47), filed on February 21, 2013. The Court conducted a hearing on the pending motions on February 22, 2013.

For the reasons stated on the record during the February 22 hearing, it is **HEREBY ORDERED** that:

- (1) Defendant's request to exclude evidence of the offenses alleged in Counts One and Two is **DENIED**;
- (2) Due to the Parties' stipulation concerning the circumstances of T.M.'s death, the Government's request to exclude evidence concerning the circumstances of his death is **DENIED** as moot;
- (3) The Government's request to exclude evidence concerning D.D.'s victimization in an unrelated fraudulent scheme is **DENIED**;
- (4) The Government's request to exclude the proposed expert testimony of Dr. Rodney Sparks is **DENIED**, but Dr. Sparks may not testify as to the amount


that a Chief Executive Officer of a start-up company can or should be paid or that individuals forming start-up companies typically lack "acumen";

- (5) Defendant's request to sever Count Five is DENIED;
- (6) Defendant's request to exclude Defendant's 2006 corporate tax return is DENIED;
- (7) Defendant's request to exclude evidence of the 2006 domestic situation is DENIED with leave to renew at trial, but the Parties may only reference the general fact that Defendant was barred from the residence;
- (8) Defendant's request to exclude evidence of alleged misleading information on a 2006 mortgage loan application is DENIED;
- (9) Defendant's request to exclude Defendant's alleged misstatements regarding personal funds borrowed from D.D. is DENIED; and
- (10) Defendant's request to exclude Defendant's alleged statement suggesting that shareholders not speak with an SCC investigator is DENIED.

The Court will delay ruling on Defendant's request to exclude evidence of Defendant's failure to file personal income tax returns from 2003 through 2011 until the attending facts and circumstances are fully developed.

The Clerk is DIRECTED to send a copy of this Order to all counsel of record.

It is so ORDERED.

 /s/
Henry E. Hudson
United States District Judge

Date: Feb 25 2013
Richmond, VA